(a) obtaining textual information for forming messages for a plurality of subscribers,

(b) performing a significant portion of a text to speech process to convert the textual information of at least one of the messages to speech synthesizer instructions in the form of MIDI (Musical Instrument Digital Interface) commands, and

(c) transmitting the speech synthesizer instructions over the data communication network; and

a subscriber terminal for receiving the speech synthesizer instructions via the data communication network, said subscriber terminal comprising a speech synthesizer for synthesizing a speech waveform signal representing the at least one message from the speech synthesizer instructions.

REMARKS

Claims 1 through 27 are now active in this application. In response to the Office Action dated April 29, 1999, claims 26 and 27 have been added. Care has been exercised to avoid the introduction of new matter. Favorable reconsideration of this application in light of the following comments is respectfully solicited.

Claims 1 through 4, 7, 9, 11, 12, 14, 15, 18 through 20, 22, 23 and 25 have been rejected under 35 USC § 102(e) as being

anticipated by Judson. In the explanation of this rejection, set forth in paragraph 2 of the Office Action, the Judson subscriber terminal is described as receiving aural instructions via the data communication network. Claims 5, 6, 16, 17, 21 and 24 have been rejected under 35 USC § 103(a) as being unpatentable over Judson in view of Wolff [et al.] at paragraph 4 of the Office Action. Wolff has been relied upon to conclude that it would have been obvious to add a "wireless capability" to the Judson arrangement. Claims 8, 10 and 13 have been rejected under 35 USC § 103(a) as being unpatentable over Judson in view of Meske[Jr., et al.] at paragraph 5 of the Office Action. Meske has been relied upon to conclude that it would have been obvious to add a "news source capability" to the Judson arrangement.

Claims 1, 12, 14, 19 and 27 are independent. Claim 1 expressly requires that the server obtain textual information to form messages for a plurality of subscribers, to perform a significant portion of a text to speech process to convert the textual information of at least one of the messages to speech synthesizer instructions, and to transmit the speech synthesizer instructions over the data communication network to a subscriber so that instructions can be performed at the subscriber terminal to complete the text to speech conversion. With this arrangement, the various functions involved in the text to speech conversion process can be efficiently divided between the server and the subscriber

station; efficient both from the standpoint of division of functionality and of data transmission. See, for example, the description at page 22, *et seq.*, of the present specification. Independent claim 12 recites the same requirements in the context of a communication network computer. New independent claim 27 is similar to claim 1 and specifically recites that the speech synthesizer instructions are in the form of MIDI (Musical Instrument Digital Interface) commands.

Independent claim 14 calls for the terminal device to include a programmable central processing unit for processing received data and to capture speech synthesizer instructions that are contained in the received data. The terminal memory stores a plurality of fundamental sound samples in digitized form, and a concatenative speech synthesizer is responsive to the instructions obtained in the received data, for processing samples from the memory in an order specified by the instructions and responsive to control parameters of a waveform signal synthesized from the processed samples in a manner specified in the instructions. Thus, while the terminal contains much of the stored data required for completion of text to speech conversion, the data received includes instructions, as well as the message text, necessary for that portion of the conversion process yet to be completed. Independent claim 19, in addition to containing these requirements, is more specific in its recitation of retrieving sound samples in the

conversion processing operation. Method claim 19 also recites particulars relating to the use of subscriber profiles.

The references cited and applied in the Office Action have been thoroughly reviewed with particular focus on those portions identified in the Office Action. No disclosure or teaching has been found in Judson (or the other cited references) of performing some text to speech conversion at a server and transmitting the result with speech synthesizer instructions to the subscriber terminal to complete the synthesis process. In fact, applicant can read nothing in the Judson patent that would have suggested text to speech synthesis. It is submitted that the Office Action holding that the Judson subscriber terminal inherently includes a speech synthesizer, without a disclosure thereof in the patent, is based on improper hindsight consideration of the present disclosure. Such an inherent capability would also require a division of the speech synthesis instructions, a significant portion generated remotely. Nowhere does Judson suggest such an arrangement. The Wolff and Meske patents, which were not relied upon for such teaching, would not have made the claimed subject matter obvious.

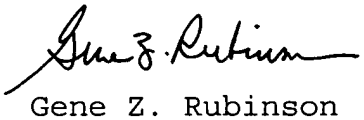
Accordingly, it is urged that the application as now amended overcomes the rejections of record and is in condition for allowance. Favorable reconsideration and prompt issuance of this application are respectfully requested.

To the extent necessary, a petition for an extension of time

under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and credit any excess fees to such account.

Respectfully submitted,

McDERMOTT, WILL & EMERY



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